

1 Classic Amiga OS, OS 3.1, OS 3.5, OS 3.9, OS 4.0 (not yet commercially available) and all  
2 subsequent versions of this source code and associated trademarks. The Classic Amiga OS  
3 means the operating system owned and developed by Amiga and largely based on the operating  
4 system shipped with the Commodore Amiga line of computers sold in the 1980's and early  
5 1990's.

6 3. In addition, Itec's acquisition specifically included "Object Code," meaning  
7 software in a machine readable form that is not convenient to human understanding of the  
8 program logic, and that can be executed by a computer, or other device, using the appropriate  
9 operating system without compilation or interpretation.

10 4. On October 10, 2003, KMOS entered into a Stock Purchase and Sale Agreement  
11 and Agreement of Assignment of Intellectual Property Rights (the "Agreement") under which it  
12 acquired all Itec's interest in Amiga's Amiga OS family of products.

13 5. As part of the Agreement, KMOS specifically agreed to honor the terms of  
14 Amiga's November 3, 2001 (OEM) License and Software Development Agreement with Amiga  
15 One Partners: Hyperion VOF, a Belgian corporation and Eyetech Group Ltd., an English  
16 corporation in regards to Amiga OS 4.0.

17 6. Except as directly associated with the Amiga OS products and all future versions  
18 of Amiga OS, KMOS specifically did not acquire the rights to the Amiga name, patents,  
19 intellectual property, trademarks or Amiga's DE product line. These assets remain the property  
20 of Amiga Inc.

21 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
22 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

23 DATED this 12 day of March, 2004 at Kentfield, California.

24  
25   
Garry Hare

DECLARATION OF GARRY HARE IN SUPPORT OF  
AMIGA, INC.'S RESPONSE TO MOTION TO MODIFY THE  
ORDER GRANTING SPECIFIC PERFORMANCE - 2

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